

STAT

OLC 79-0890

8 March 1979

MEMORANDUM FOR: See Distribution

FROM :
Chief, Legislation Division/OLCSUBJECT : "Protection of Identities Legislation:
S. 191"

1. Senator Lloyd Bentsen (D., Texas) has introduced subject legislation which has been referred to the Senate Judiciary Committee. This legislation has as its stated purpose the protection of the confidentiality of the identities of certain CIA employees and would establish a criminal penalty for the disclosure of such information.

2. Senator Bentsen has evidenced a genuine concern over the problem of the unauthorized disclosure of the identities of CIA personnel functioning under cover. In an effort to come to grips with the problem -- via remedial legislation -- in the 95th Congress he introduced S. 1578 which in many respects is similar to his current bill. Unfortunately S. 1578 received little legislative attention in the last Congress. Continuing efforts by individuals -- such as Phillip Agee and his cohorts -- bent on destroying the Agency via disclosure of its covert personnel through publication have served to convince the Senator that remedial legislation is needed more than ever. Reacting to a recent Washington Star article by Cord Meyer concerning the disclosure of the identity of our personnel in the U.S. Embassy in Tehran, Senator Bentsen took it upon himself to write to the DCI directly soliciting the DCI's views concerning the "seriousness of the problem and the need for remedial action." In his letter the Senator states that he is "extremely concerned about the dangers posed to the lives, effectiveness, and morale of our intelligence officers by these inexcusable and potentially deadly disclosures" and goes on to underscore his firm belief that "Congress should fully appreciate the dangers and the implications..." of these disclosures (Tab A). This

office has been in close contact with Senator Bentsen's staff who have told us that the Senator is looking for ammunition with which to arm himself so that he can request the SSCI Subcommittee on Secrecy and Disclosure -- chaired by Senator Joseph R. Biden (D., Del.) -- to hold hearings on the problem in the very near future. The Legislative Counsel, in conjunction with the DDO, is preparing a response to the Senator's letter, one that will give him all the support he needs.

3. In requesting that hearings be held on the problem of unauthorized disclosure of identities, the Senator is hopeful that his bill will begin to move through the legislative process. We are sending the Senator's proposed legislation for review and comment. We are providing at Tab B an analysis of S. 191 which we hope will be helpful to you in the review process. The Senator -- through his staff -- has expressed a keen desire to get the ball rolling at soon as possible. We have in turn indicated our support for his efforts. Accordingly, we would appreciate receiving your comments by COB, Friday, 23 March 1979. Please address your response to [redacted] on my staff.

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Attachments
As stated

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1 - OLC Subject
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OLC:RJW:sf (8 March 1979)

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STANDARD FORM NO. 64

Office Memorandum

UNITED STATES GOVERNMENT

TO : Bob,

DATE: 20 March

FROM : Bk

SUBJECT: S. 191

Attached is a draft response to OGC.
Contains a bit of philosophy, but frankly,
I don't know what more to say. Perhaps,
you have some thoughts. Reply due
D/L 21 March 79.

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